

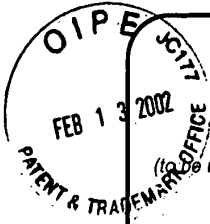
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/205,096
		Filing Date	December 3, 1998
		First Named Inventor	Daniel DRACHMAN
		Group Art Unit	1633
		Examiner Name	E. Sorbello
Total Number of Pages in This Submission	12	Attorney Docket Number	01107.77737

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Second Response to Final Office Action Request for Admittance of Declaration Under 37 CFR 1.195 Declaration Under Rule 132
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Michelle L. Holmes-Son, Reg. No. 47,660
Signature	
Date	February 13, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

<i>In re</i> Application of:)	
)	Group Art Unit: 1633
Daniel Drachman)	
)	Examiner: E. Sorbello
Serial No. 09/205,096)	Box: AF
)	
Filed: December 3, 1998)	Atty. Dkt. No. 01107.77737
For: TARGETING ANTIGEN-SPECIFIC CELL FOR SPECIFIC IMMUNOTHERAPY OF AUTOIMMUNE DISEASE		

REQUEST FOR ADMITTANCE OF DECLARATION UNDER 37 C.F.R. § 1.195

Assistant Director for Patents
Washington, D.C. 20231
Attn: Box AF

Sir:

This paper is filed in response to the Advisory Action mailed November 16, 2001. A Notice of Appeal was filed on December 13, 2001. Thus, we believe no fees are due to make this response timely filed. If any fee is due, please charge our Deposit Account No. 19-0733.

Please admit the declaration under 37 C.F.R. §1.132.

Remarks

The declaration was not submitted earlier because applicants first became aware of the need for it upon reviewing the Advisory Action mailed November 13, 2001. In the Advisory Action the Patent Office clearly asserted its position that "in unpredictable fields, when the prior

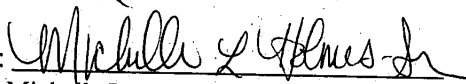
art, in this case ex vivo gene therapy is not enabled across the board, the onus is on the applicants to support that which is claimed by analogous experimentation." (Paper 17, page 2, lines 9-11.)

The Declaration under Rule 132 provides evidence that the methods of the claimed invention are enabled for *in vivo* use. The Declaration demonstrates that antigen presenting cells (APCs) isolated from an animal that are transduced with a recombinant viral vector containing genes encoding a specific antigen, a detrimental product and truncated FADD are able to kill T cells that recognize the specific antigen in the animal.

Entry of the declaration under Rule 132 is respectfully requested.

Respectfully submitted,

Date: February 13, 2002

By: 

Michelle L. Holmes-Son
Registration No. 47, 660

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